

**LEGISLATION AND REGULATIONS DEVELOPMENT FOR HOSPITALS
AND AMBULATORY SURGERY CENTERS
July 2009**

This document provides information about legislation enacted during the 2009 Legislative Session as it relates to hospitals and ambulatory surgery centers in the State of Nevada. The purpose of this document is to provide information about the intent of the State Health Division, Department of Health and Human Services, to promulgate regulations or develop policies in response to the legislation. The formal process for promulgating regulations in the State will be followed, but this document is intended to act as a tool for those who will be affected by the regulations to participate in this process.

Assembly Bill 6

AN ACT relating to mental health; authorizing the release of certain persons admitted to mental health facilities or hospitals under the procedures for emergency admission; revising provisions relating to the process for emergency admissions of persons alleged to be persons with mental illness to certain mental health facilities; and providing other matters properly relating thereto.
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Topic	Action/Responsible Party
Effective Date of Measure	October 1, 2009
Regulations Required by the Bill	Not by the Health Division
Regulations to be Developed to Assist with Implementation	No
Targeted Due Date for Draft of Regulations	Not Applicable
Development of Internal Policies to Assess Compliance	Yes
Development of Internal Practices to Promote the Provisions of this Measure	No
Responsible Person	Paul Shubert, HFS IV

Decision Points:

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| <ol style="list-style-type: none">1. How does the Bureau plan to track mental health admissions and releases?2. Will there be a specific form for the hospitals to fill out? |
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Assembly Bill 10

Assembly Bill 10--AN ACT relating to health care; prohibiting certain retaliation or discrimination against registered nurses, licensed practical nurses and nursing assistants who report certain information, refuse to engage in certain conduct or participate in certain investigations or proceedings relating to the safety of patients; providing civil remedies and civil penalties for violations; prohibiting the licensing boards of physicians from taking adverse action against a physician who discloses or cooperates in the investigation of a violation of any law, rule or regulation by an applicant or licensee; and providing other matters properly relating thereto.

Topic	Action/Responsible Party
Effective Date of Measure	July 1, 2009
Regulations Required by the Bill	No
Regulations to be Developed to Assist with Implementation	Yes—For purposes of identifying the civil penalty
Targeted Due Date for Draft of Regulations	October 1, 2009
Development of Internal Policies to Assess Compliance	No
Development of Internal Practices to Promote the Provisions of this Measure	Yes
Responsible Person	Paul Shubert, HFS IV

Decision Points:

Once confirmation is received that a court found a violation of NRS 449.205, should the Bureau of Health Care Quality and Compliance impose a civil penalty?

Assembly Bill 52

AN ACT relating to health care; authorizing a board of county commissioners to adopt procedures to lease the naming rights relating to public hospitals located within the county; requiring certain hospitals in certain larger counties to report information to the Legislative Committee on Health Care concerning the transfer of patients to another hospital; and providing other matters properly relating thereto.

Topic	Action/Responsible Party
Effective Date of Measure	July 1, 2009
Regulations Required by the Bill	Not by the Health Division County commissioners may enact an ordinance
Regulations to be Developed to Assist with Implementation	No
Targeted Due Date for Draft of Regulations	Not Applicable
Development of Internal Policies to Assess Compliance	Yes
Development of Internal Practices to Promote the Provisions of this Measure	Yes
Responsible Person	Paul Shubert, HFS IV

Decision Points:

1. Should the Bureau take an active role in ensuring compliance with the provisions of this measure?
2. Should the Bureau use the information reported to the Legislative Committee on Health Care to investigate alleged violations of the laws regarding emergency transfers of patients?

Assembly Bill 121

AN ACT relating to health care facilities; requiring certain hospitals in larger counties to establish a staffing committee; requiring certain health care facilities to make available to the Health Division of the Department of Health and Human Services a documented staffing plan; and providing other matters properly relating thereto.

Topic	Action/Responsible Party
Effective Date of Measure	October 1, 2009
Regulations Required by the Bill	No
Regulations to be Developed to Assist with Implementation	Yes
Targeted Due Date for Draft of Regulations	October 1, 2009
Development of Internal Policies to Assess Compliance	Yes
Development of Internal Practices to Promote the Provisions of this Measure	Yes
Responsible Person	Paul Shubert, HFS IV

Decision Points:

1. In what form will the Bureau require evidence of the staffing plan?
 - a. Will it be added to the yearly renewal application as a checkbox that the facility is in compliance? If so, will verification only be done during a survey of the facility?
 - b. Will facilities be required to physically submit their staffing plans with their renewal applications? If so, will the Bureau specify the information and format of the information?
2. Should the Bureau evaluate the plans? If so, what criteria will be included in the evaluation?
3. Should the staffing plans be shared on a systematic basis with entities outside of the Bureau? If so, whom?
4. Should the staffing plans be used in respect to complaint investigations and surveys?

Assembly Bill 123

AN ACT relating to public health; requiring offices of physicians and related facilities to obtain a permit and national accreditation before providing certain services involving anesthesia and sedation; providing an exception for certain offices and facilities; requiring surgical centers for ambulatory patients to obtain national accreditation; requiring annual inspections of such offices, facilities and surgical centers; requiring that copies of reports relating to the use of anesthesia and sedation by physicians be submitted to the Health Division of the Department of Health and Human Services; and providing other matters properly relating thereto.

Topic	Action/Responsible Party
Effective Date of Measure	May 22, 2009
Regulations Required by the Bill	Yes
Regulations to be Developed to Assist with Implementation	Yes

Topic	Action/Responsible Party
Due Date for Regulations Concerning the Authorized Accrediting Bodies	October 1, 2009
Due Date for All Regulations Required by the Bill	January 1, 2010
Due Date for Accreditation Information to be Submitted to Health Division for ASCs Licensed as of October 1, 2009	March 31, 2010
Due Date for Physician Offices to be Permitted and Accredited	October 1, 2010
Development of Internal Policies to Assess Compliance	Yes
Development of Internal Practices to Promote the Provisions of this Measure	Yes
Responsible Person	Paul Shubert, HFS IV

Decision Points:

1. What fee should be charged to permit physician offices?
2. What criteria should be used to determine which accrediting bodies should be allowed to accredit physician offices in Nevada?
3. Should the fee be increased for ASCs as a result of the yearly survey requirement?
4. Should separate criteria from ASCs be established for regulations governing physician offices?
5. Should the regulations establish clauses to “grandfather” in certain physician offices, therefore exempting them from certain of the regulatory requirements?
6. What, if any, of the general licensure requirements that the Bureau applies should apply to physician offices?
7. How can a facility attest to compliance for the purposes of receiving a permit? If that option is used, and the facility is subsequently found to be out of compliance, what should be the consequences of falsely attesting to compliance?

Assembly Bill 196

AN ACT relating to public health; revising provisions relating to the licensure of facilities for refractive surgery; providing for the closure of a facility for refractive surgery if the facility is operating without a license; revising provisions governing collaboration agreements between optometrists and ophthalmologists; and providing other matters properly relating thereto.

Topic	Action/Responsible Party
Effective Date of Measure	July 1, 2009
Regulations Required by the Bill	No
Regulations to be Developed to Assist with Implementation	Yes
Targeted Due Date for Draft of Regulations	March 1, 2009
Development of Internal Policies to Assess Compliance	Yes
Development of Internal Practices to Promote the Provisions of this Measure	Yes
Responsible Person	Paul Shubert, HFS IV

Decision Points:

1. What should be the deadline for the filing of the affidavits?
2. What should be the consequences for a center that does not file an affidavit?
3. How should the Bureau work with the Board of Medical Examiners to ensure compliance with these provisions?

Assembly Bill 206

AN ACT relating to public health; revising provisions relating to reports of sentinel events and patient safety by medical facilities; authorizing health authorities to conduct investigations of cases or suspected cases of an infectious disease or exposure to biological, radiological or chemical agents and to issue cease and desist orders relating to those investigations; authorizing the Health Division of the Department of Health and Human Services to take control of certain medical records under certain circumstances; revising provisions relating to the licensure and discipline of certain medical facilities and facilities for the dependent; requiring the Director of the Office of Consumer Health Assistance to assist consumers in filing certain complaints; and providing other matters properly relating thereto.

Topic	Action/Responsible Party
Effective Date of Measure	July 1, 2009
Regulations Required by the Bill	Yes
Regulations to be Developed to Assist with Implementation	Yes
Targeted Due Date for Draft of Regulations	March 1, 2010
Development of Internal Policies to Assess Compliance	Yes
Development of Internal Practices to Promote the Provisions of this Measure	Yes
Responsible Person	TBD, HFS IV

Decision Points:

1. Should there be a standard format for the summary of sentinel events reports?
2. Once the information is reported to the State Board of Health, what should the Health Division do with the information?
3. What factors should be included in the actual cost of conducting an audit or investigation of a sentinel event?
4. Is there a need to do a comprehensive overhaul of the sentinel events regulations to include the provisions of this measure as well as SB 319?
5. What criteria should be used to determine whether a facility is exempt from an administrative fine pursuant to Section 9 of the bill? Should a facility have to specifically state it is submitting evidence of a violation pursuant to NRS 439.885?
6. Should regulations be established to specify which health authority will conduct an investigation in a facility licensed by the Health Division?
7. What factors should be included in establishing the proportionate share of the actual cost of an investigation pursuant to NRS 441A.160 or Section 13 of the bill?
8. What public agencies and political subdivisions should the health authority share information with in relation to Section 16 of the bill, under what circumstances, and by

which procedures?

9. What criteria should be used to take control of and ensure the safety of the medical records of a facility that has had its license suspended?
10. How should administrative fines be structured to carry out the intent of the Legislature?
11. Should the required notice for employees be standardized?
12. What should be the penalty for failure to submit a required report and for failure to post the required notice?

Senate Bill 17

AN ACT relating to health care; revising provisions governing the retention and destruction of health care records; and providing other matters properly relating thereto.

Topic	Action/Responsible Party
Effective Date of Measure	October 1, 2009
Regulations Required by the Bill	Yes
Regulations to be Developed to Assist with Implementation	Yes
Targeted Due Date for Draft of Regulations	March 1, 2010
Development of Internal Policies to Assess Compliance	Yes
Development of Internal Practices to Promote the Provisions of this Measure	Yes
Responsible Person	TBD, HFS IV

Decision Points:

1. What language should be included in the statement and what should be the form and size?
2. Where should the signs be placed?
3. What are the consequences for not posting the required sign?

Senate Bill 268

AN ACT relating to professions; allowing regulatory bodies to share information with each other and with the Health Division of the Department of Health and Human Services for reasons of public health; allowing regulatory bodies and the Health Division to conduct joint investigations in certain circumstances; requiring certain qualifications of members of regulatory bodies who are not licensed pursuant to the authority of the body on which they serve; exempting community service performed as a result of disciplinary action from limited immunity to civil liability for rendering gratuitous care; and providing other matters properly relating thereto.

Topic	Action/Responsible Party
Effective Date of Measure	October 1, 2009
Regulations Required by the Bill	No
Regulations to be Developed to Assist with Implementation	No
Targeted Due Date for Draft of Regulations	Not Applicable
Development of Internal Policies to Address Bill	Yes

Topic	Action/Responsible Party
Development of Internal Practices to Promote the Provisions of this Measure	Yes
Responsible Person	Marla McDade Williams, Bureau Chief

Senate Bill 302

AN ACT relating to public health; authorizing hospitals to enter into agreements for the provision of medical care under certain circumstances; and providing other matters properly relating thereto.

Topic	Action/Responsible Party
Effective Date of Measure	October 1, 2009
Regulations Required by the Bill	No
Regulations to be Developed to Assist with Implementation	No
Targeted Due Date for Draft of Regulations	Not Applicable
Development of Internal Policies to Assess Compliance	Yes
Development of Internal Practices to Promote the Provisions of this Measure	Yes
Responsible Person	Paul Shubert, HFS IV

Senate Bill 319

AN ACT relating to health care; revising provisions relating to reports of sentinel events; requiring certain investigations relating to sentinel events; requiring the Health Division of the Department of Health and Human Services to prepare an annual summary of the reports; requiring the Health Division to study certain issues relating to the tracking and reporting of near-miss events; and providing other matters properly relating thereto.

Topic	Action/Responsible Party
Effective Date of Measure for Study	July 1, 2009
Effective Date of Measure for Provisions Related to Sentinel Events	October 1, 2009
Regulations Required by the Bill	Yes
Targeted Due Date for Draft of Regulations	January 1, 2010
Development of Internal Policies to Assess Compliance	Yes
Development of Internal Practices to Promote the Provisions of this Measure	Yes
Responsible Person	TBD, HFS IV

Decision Points:

1. Should the regulations mirror those of other states? If so, what states have good models?

2. Should the regulations establish an advisory committee? If so, what authority will the committee have?
3. What measures should be reported?
4. What is a realistic date for full implementation?
5. How can the regulations ensure that leadership at the highest level supports the data reports and commits to using the data to prevent infections in the facility?
6. How can the regulations educate healthcare personnel on the best practices for prevention of healthcare associated infections?
7. How can the regulations ensure a partnership to improve quality between hospitals, ASCs, and the Health Division versus using a punitive approach?

Senate Bill 325

AN ACT relating to communicable diseases; authorizing hospitals to establish a program concerning methicillin-resistant Staphylococcus aureus; encouraging the Nevada Hospital Association to develop a method to collect information concerning such infections; and providing other matters properly relating thereto.

Topic	Action/Responsible Party
Effective Date of Measure	October 1, 2009
Regulations Required by the Bill	No
Regulations to be Developed to Assist with Implementation	Possibly
Targeted Due Date for Draft of Regulations	January 1, 2010, to coincide with the implementation of SB 319
Development of Internal Policies to Assess Compliance	Yes
Development of Internal Practices to Promote the Provisions of this Measure	Yes
Responsible Person	TBD, HFS IV

Decision Points:

Should these provisions be integrated with the reporting requirements of SB 319?

OTHER REGULATIONS UNDER CONSIDERATION

1. Revision of hospital and skilled nursing facility regulations as it relates to infection prevention and control.